

AN ORDINANCE AMENDING CHAPTER 5.25 – STREET VENDORS

WHEREAS, existing City Ordinance Chapter 5.25 governs the operations of vending carts in the Downtown Redevelopment Area; and

WHEREAS, the City of Evansville and its Department of Metropolitan Development desires to amend the City Ordinance to allow for the inclusion of food vending trucks and trailers in a designated area and to change the hours of operation; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows:

SECTION 1. Amended Chapter
Chapter 5.25 shall read as follows:

5.25 STREET VENDORS

Sections:

- 5.25.010 Permit required.
- 5.25.020 Exemption.
- 5.25.030 Application for permit.
- 5.25.040 Issuance of permit – Revocation.
- 5.25.050 Application fee.
- 5.25.060 Rules and regulations.
- 5.25.070 Penalty.

5.25.010 Permit required.

No person, firm, or corporation shall hawk, peddle, vend, sell, or offer for sale goods, wares, merchandise, food, or services on any public street, sidewalk, or right-of-way in the Downtown Redevelopment Area, except as follows:

- (A) When a permit has been issued for a parade under EMC 12.05.180;
- (B) When a permit has been issued for a festival under EMC 5.10.010 et seq.;
- (C) When conducting a sidewalk sale as authorized by EMC 12.05.190; or
- (D) When a permit has been issued under this chapter. [Ord. F-85-10, passed 6-3-85. 1982 Code § 118.01; 1983 Code § 11.118.01.]

5.25.020 Exemption.

- (A) If a permit is issued under this chapter, the following authorizations,

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Maria Windner
CITY CLERK

permits, and approvals are not necessary:

(1) Approval of the Board of Public Works as set forth in EMC 12.05.140 and 12.05.190;

(2) A permit issued by the Parking Meter Department under Section 7.73.07;

(3) A permit issued by the City Controller under Chapter 5.20 EMC.

(B) However, all other pertinent State and Federal laws and local ordinances must be complied with by the holder of a permit under this chapter. [Ord. F-85-10, passed 6-3-85. 1982 Code § 118.02; 1983 Code § 11.118.02.]

5.25.030 Application for permit.

In addition to that information required by EMC 5.05.020, a written application under this chapter shall include the following, to be filed with the Controller's office:

(A) The local phone number and permanent business phone number of the applicant;

(B) A description, drawing, or photograph of:

(1) The vehicle, trailer or cart to be used;

(2) The costumes to be worn by employees;

(3) Any accessories which will be used;

(4) The products or items for sale;

(C) The hours of operation;

(D) The days of operation;

(E) The requested area of operation;

(F) A certificate showing that the permittee has obtained the necessary insurance;

(G) Indiana sales tax number;

(H) Copies of the following licenses, if applicable:

(1) Vanderburgh County Transient Merchant's license;

(2) Indiana Retail Merchant's license;

(3) Evansville-Vanderburgh County Health Department license. [Ord. F-85-10, passed 6-3-85. 1982 Code § 118.03; 1983 Code § 11.118.03.]

5.25.040 Issuance of permit – Revocation.

The City Controller, or the Controller's designee, may refuse to issue a permit to an applicant who is unable or unwilling to comply with this chapter. The denial of the issuance of a license by the Controller shall be appealed to the Board of Public Safety prior to the filing of legal proceedings by the applicant. The Board of Public Safety, upon receipt of such an appeal, shall conduct a hearing prior to confirming or overruling the Controller's actions. The Controller may hold a hearing and revoke a permit issued under this chapter pursuant to EMC 5.05.050. Revocation may occur if the permittee has committed fraud or misrepresentation regarding either its application or its goods and services, if the permittee is unwilling or unable to comply with this chapter, or for any other violation of State, Federal, or local law. [Ord. F-85-10, passed 6-3-85. 1982 Code § 118.04; 1983 Code § 11.118.04.]

5.25.050 Application fee.

A nonrefundable application fee of \$25.00 shall accompany each application. That fee, once paid, shall be nonrefundable. A permit issued under this chapter shall be valid and in full force and effect from the date issued and for 12 months thereafter. [Ord. F-85-10, passed 6-3-85. 1982 Code § 118.05; 1983 Code § 11.118.05.]

5.25.060 Rules and regulations.

Permittee, by applying for and being granted a license, covenants and agrees to be bound by the following rules and regulations:

(A) Permittee shall not shout, create any loud noise or outcry, use any horn or bell or sound device, or amplify any sound.

(B) Permittee shall not have any sign affixed to its cart or otherwise on or about City property or right-of-way other than the price list discussed below, and a sign identifying the business by name.

(C) Permittee shall display prominently a complete and accurate price list at all times. Permittee shall also display prominently its license issued under this chapter.

(D) Permittee shall not locate its cart so as to unreasonably interfere with pedestrian traffic or obstruct vehicular traffic.

(E) Permittee shall not locate its cart so as to be within 15 feet of an intersection or to be within 35 feet of the front door of a fixed retail establishment selling the same class of product without the permission of the fixed retail establishment.

(F) Permittee may sell only from an approved cart. Permittee may not operate between the hours of 2:00 a.m. and 7:00 a.m. Permittee shall be open pursuant to the hours stated in its application. Failure of the permittee to operate during those hours may result in permittee's license being revoked.

(G) Permittee's cart shall remain in good repair, clean and freshly painted. The design of the vehicle, trailer or cart, including the identification and any signs, shall be subject to the prior approval of the Evansville Redevelopment Commission under the standards of the municipal code.

(H) Permittee shall be responsible for keeping the City streets, sidewalks, and rights-of-way free of garbage and trash within a 15-foot radius of the cart. Permittee shall provide refuse receptacles.

(I) Permittee shall cooperate with and comply with directives of the Police Department, Fire Department, and Board of Public Works as they relate to personal safety. Permittee shall fully cooperate with City officials during special events and activities as well as inclement weather and emergencies.

(J) Permittee's vehicle, trailer or cart, product, goods, costumes, and accessories shall conform to the description given in the application. Any change shall be subject to approval by the Controller upon filing an amended application at no additional fee.

(K) The clothing of permittee's employees shall be clean, neat, and identifiable.

(L) Permittee shall conduct its business in an ethical, courteous, and fair

manner, and shall refrain from causing a health or safety hazard or a public nuisance.

(M) Permittee shall hold the City, its agents, and employees harmless and indemnify them from any and all losses, damages, demands, actions, or claims arising from the operation of their business on City property or rights-of-way. Permittee shall maintain liability insurance providing combined single limit coverage of \$500,000 per person and occurrence for personal injuries, and \$50,000 for property damage.

(N) Permittee shall not leave its vehicle, trailer or cart unattended at any time and shall not leave its cart or any item of property on any public street, sidewalk, or right-of-way when its business is not open.

(O) Permittee shall not assign or transfer any of its rights under its permit to any other person, firm, or corporation.

(P) Permittee's vehicle, trailer or cart shall be self-contained, and no electrical utility or other cords or cables shall be placed on City property or right-of-way so as to cause a safety hazard.

(Q) Permittee shall accept notice by certified mail, return receipt requested, at the address listed on its application.

(R) Vendor vehicles and trailers shall only be permitted to operate in the designated parking area (See City Controller for designated area).

[Ord. G-98-6, passed 2-9-98; Ord. G-88-11, passed 5-9-88; Ord. F-85-10, passed 6-3-85. 1982 Code § 118.06; 1983 Code § 11.118.06.]

5.25.070 Penalty.

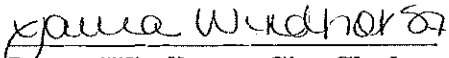
Any person who violates the provisions of this chapter shall be subject to the penalty set forth in EMC 1.05.180. This chapter shall be enforceable as stated in EMC 1.05.170. In addition, any person who violates any provision of this chapter may be subject to a forfeiture of the permit issued under this chapter pursuant to EMC 5.05.020.

SECTION 3. Effective Date This Ordinance shall be in full force and effect from and after its passage by the City Council and signing by the Mayor.

PASSED BY the Common Council of the City of Evansville, Indiana, on the 15 day of December, 2014, on said day signed by the President of the Common Council and attested by the City Clerk.

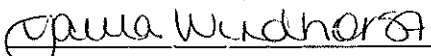


President of the Common Council, John Friend

ATTEST: 

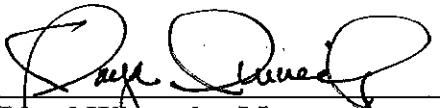
Laura Windhorst, City Clerk

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 17 day of December, 2014, for his consideration and action thereon.



Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 17th day of December, 2014.



Lloyd Winnecke, Mayor
City of Evansville, Indiana

APPROVED AS TO FORM
BY TED ZIEMER, CORPORATION COUNSEL